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## **Dominican Republic**

# **Food and Agricultural Import Regulations and Standards**

## **Country Report**

## **2002**

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### **Report Highlights:**

**The report contains updates on food laws, labeling requirements, food additives regulations, pesticides and other contaminants, copyright/trademark laws, import procedures and regulatory agencies.** Please contact this office if you have any comments or suggestions about the material contained in this report (see appendix B for contact information).

**Please see Disclaimer on page one.**

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Includes PSD changes: No  
Includes Trade Matrix: No  
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Santo Domingo [DR1], DR

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**DISCLAIMER:** This report has been prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (Santo Domingo, Dominican Republic) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.

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**Section I. FOOD LAWS (updated)**

Although there is legislation requiring that labels be in Spanish and state volume, product composition contents and expiration date, US labeling requirements and standards are generally accepted in practice.

All food products need to be registered at the Public Health Secretariat (SESPAS). Among the supporting documents needed when registering a food product are the following: US certificate of free sale and of origin; manufacturer labels indicating qualitative and quantitative formulation; a copy of the letter of assignment or contract with a local agent (if one exists for the product); registration fees and product samples. All foreign documents should be legalized at the nearest Dominican consulate.

Shipments of fresh produce must be accompanied by a phytosanitary certificate from the country of origin. Products containing animal products require a 'no objection to import' authorization from the Livestock Department (Animal Health Division) of the Dominican Secretariat of Agriculture. Procedure has become slow taking 2-4 weeks to obtain. In case of plant material, fresh product or produce, a similar "no objection" authorization is required from the Plant Health Division from the same Secretariat. A request letter should be addressed to the Plant Health Department accompanied by a RD\$200\* fee. In case of animal products a similar letter is addressed to the Livestock Department, when approved for meat or for dairy (separated), a RD\$1,000\* fee must be paid before the product is authorized with an additional RD\$114\* for forms and stamps. In addition to the above, there are certain protected products (sugar, rice, beans, onions, garlic, potatoes, milk and poultry. Pork and turkey have been informally added to the protected items) which require another permit issued by the Agricultural and Livestock Promotion Committee headed by the Secretary of Agriculture himself. An additional RD\$600\* fee is required.

Customs clearance, which had been a significant problem in the Dominican Republic, is showing signs of improvement. Some things to watch out for include non-acceptance of commercial invoices as a basis for customs valuation, occasional demands for non-official payments, and poor port organization. However, all of these problems are being addressed and goods which used to sit in customs for weeks are now usually being cleared within three or four days through an established custom broker. After 15 days in port, shipping lines assess a daily charge for the use of containers.

Importers report that the Customs Department has valuation lists with set prices for products, which usually determine the tariff and other payments. Even though it is not specified by law, if it is detected that the declared value of a product is too low, there can be a fine of up to 100 percent of the total value of taxes paid.

The introduction of a new food product is generally done through a local agent, not necessarily an exclusive distributor. For established products, customs brokers are generally used to clear customs and ensure delivery to the customer.

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\* Exchange Rate: RD\$17.70/US\$

## **Section II. LABELING REQUIREMENTS**

### **1 Labeling of Prepackaged Foods**

The label on the prepackaged food, issued by DIGENOR (Norms & Standards Bureau) must contain the following information as it is applicable to the product to be labeled. The current national standard (NORDOM 51) has been in place but not enforced, follows the Codex Alimentarius standard and is described below:

1. Food Name
2. The name of the product must indicate its true nature, and usually should be specific, not generic.
3. When according to the Codex or to a national norm there are several names for the same product, at least one of these names must be used.
4. In other cases, the name prescribed by the National Legislation must be used.
5. When the above names are not available a common name should be used, as long as it does not deceive the consumers.
6. In the label any phrase or sentence needed to clarify the nature of the product, such as kind of covering, presentation of the product or any special treatment (like dehydration, reconstitution or smoked), must be placed close to the name of the product.

### **2 Ingredients list**

1. In all cases, except when the product has only one ingredient, an ingredient list must appear in the label.
2. The list must have an appropriate title with the word "ingredient" included.
3. The list should be ordered, in a decreasing order, by the weight of the ingredient (m/m) when the food was manufactured.
4. When an ingredient is a combination of two or more ingredients, this ingredient (compound ingredient) can be listed as it is, as long as it goes with a list (in parenthesis) of its ingredients in decreasing order of proportions. When a compound ingredient, which has a name from the Codex or from a national norm, has a share of 25 percent (or less) of the total product, its ingredients list does not need to be specified, except for the food additives that have a technological function in the final product.
5. If water is added it must be indicated in the list of ingredients, except when the water is part of ingredients such as broth in a food product and declared as such in the list of ingredients. It will not be necessary to declare water or other volatile ingredients which evaporate during the production process.
6. As an alternative to the general dispositions of this section, for dehydrated or condensed foods destined for reconstitution, the ingredients can be listed by order of proportions in the reconstituted product, as long as the list includes a sentence such as "Product ingredients when prepared following the instructions on the label."

7. The following generic names for the ingredients that belong to the corresponding classes can be used:

Ingredient Class	Generic Names
Refined oils different than Olive oil	Oil, with the word vegetable or animal, and classified as hydrogenated or partially hydrogenated
Refined Fats	Fats, with the word vegetable or animal
Starch, different than chemically modified starch.	Starch
All fish, when it is an ingredient for other product and as long as the label does not refer to a specific kind of fish	Fish
All poultry meat, when it is an ingredient for other products and as long as the label does not refer to a specific kind of poultry meat	Poultry meat
All cheese, when it is an ingredient for other products, and as long as the label does not refer to a specific kind of cheese	Cheese
All spices (no more than 2 percent weight), alone or mixed with the food	Spice or spice mix
All aromatic herbs or their parts (no more than 2 percent weight), alone or mixed with the food	Aromatic herbs or Aromatic herb mix
All gum preparations used in the manufacture of the bubble gum base	Gum based
All saccharose	Sugar
Anhydrous dextrose and monohydrated dextrose	Dextrose or glucose
Refined or extracted cocoa butter	Cocoa butter
Candy covered fruits (no more than 10 percent of the product's weight)	Candy covered fruits

As an exemption the following products must be specified by their specific names: pork fat, butter and bovine fat.

When listing food additives belonging to different classes, the following generic names (together with the specific name according to the Codex or to the National Legislation) must be used: Agglutinant(s); Antioxidant(s); Dyes(s); Emulsifier(s); Aroma enhancer(s); Glossy agent(s); Preserving substance(s); Stabilizer(s); Thickener/jellier(s); Antisparkling(s); Flour treatment agent(s); Artificial sweetener(s); Acidity regulator(s); Propellent(s); Yeast(s); Emulsifier salt (Only in case of melted cheese and its by-products).

For food additives belonging to the same class, which are listed in the Codex and its use has been authorized, the following generic names can be used:

Aroma(s)

Chemically modified starch(es).

The "aromas" can be classified as: naturals, similar to naturals, artificial or a mix of them. Elaboration cooperator and food additive transfer.

Any food additive that has been used as a part of the ingredients of a compound ingredient or in the product's raw materials, and that has a technological effect in the final product, must be included in the list of ingredients.

The food additives transferred to the food in small quantities, and the elaboration cooperators do not need to be declared in the list of ingredients.

Net weight and drained weight.

The net weight must be in units of the International System.

The net weight must be declared as follows:

- i. volume, for liquid foods
- ii. weight, for solid foods
- iii. weight, for semi-solid and viscous foods

In foods preserved with a liquid environment, besides the net weight, the drained weight must also be declared. Liquid environment will be understood as: water, sugar or salty watery solutions, fruit and vegetable juices and vegetables preserved in vinegar.

### **Name and Address**

The name and address of the producer, wholesaler, importer, exporter or retailer must be written in the label.

### **Country of Origin**

The country of origin must be printed on the label. When a product's nature is changed in a second country because of any elaboration process, this second country must be considered as the country of origin.

**Lot Identification**

Each container must have a clear and unerasable identification specifying the manufacturing factory and the lot number.

**Date and Conservation Instructions**

Unless the Codex, or one individual national norm specify something else, the date declaration should be done as follows:

- 1) The "best before" date (minimum duration date) should be used.
- 2) This date must have at least the following:
  - i. Month and day for products with a minimum duration of less than three months.
  - ii Month and year for products with a minimum duration of more than three months. If the month is December, use only the year.
- 3) The date declaration must have the words "Best if consumed before...", for cases other than the ones in ii.
- 4) The sentence must be accompanied by:
  - i. The date itself.
  - ii. A reference to the place where the date is printed.
- 5) The day, month and year must be numbers not codes. The month can be abbreviated with letters for countries where this practice does not confuse the consumers.
- 6) As an exemption to 4.7.1 (I) the following products will not need the minimum duration date:
  - i. fresh fruits and vegetables, including fresh potatoes (not peeled or cut);
  - ii. wine, sparkling wines, fruit wines and sparkling fruit wines;
  - iii. alcoholic beverages with more than 10 percent of alcohol per volume;
  - iv. bakery products that must be consumed within 24 hours;
  - v. vinegar;
  - vi. salt (for food);
  - vii. solid sugar;
  - viii. candy products;
  - ix. bubble gum;
  - x. specific products as determined by the Products Committees, national or Codex.
  - xi. any special instructions in order to preserve the product until that date must be printed on the label.



**User Instructions**

Instructions on how to use the product must be printed on the label (especially if the product needs to be reconstituted).

**Additional Mandatory Requirements**

None

**Quantitative Labeling of the Ingredients**

When an important ingredient is printed on the label, the percentage of this ingredient used in the elaboration of the product (m/m) must be indicated.

Also, when the label indicates that a product has a low level of an ingredient, the percentage of this ingredient (in %) in the final product must be indicated.

If the product name refers to an ingredient, this will not indicate (by itself) that the ingredient has special importance. This also applies for ingredients recalled as aromatizers (or used in small quantities) on the product label.

**Exemptions to the Mandatory Labeling Requirements**

Except for species and aromatic herbs, units of product smaller than 10 square centimeters (their largest surface) are exempted of the labeling requirements specified by the previous sections.

**Optional Labeling**

The labeling of products can have any desired information as long as it does not violate the obligatory requisitions of this standard, including the requisitions regarding declaration of properties and fraud, as of Section 3 (General Principles).

**Quality Designations**

- ! When quality designations are used, they must be easily understandable and not deceptive in any way.
- ! The data on the label must be clear so that consumers will be able to read all the information printed.
- ! When a container is wrapped, the wrapping must have all the required information, or the container's label must be readable through the wrapping.
- ! The food's name and net weight must be placed in a prominent place and at the same level.

- ! All labels must be in Spanish. For cases when the label is not in this language, a complementary label containing the information translated into Spanish, must be added.
- ! When a new label (or a complementary label) is added to the container, the obligatory information must reflect the information printed on the original label.

### **Radiated Foods**

Labels of products that have been irradiated, must indicate such treatment in a place near the product name. The use of the international sign is optional, but whenever it is used, it must be placed near the product name.

When an irradiated product is used as an ingredient, this circumstance must be declared in the list of ingredients. Also, when a product is made of only one ingredient and this is prepared with irradiated raw materials, the undergone treatment must be specified on the label.

### **Section III. FOOD ADDITIVE REGULATIONS**

The Dominican Food Standard defines “Food Additive” as any substance that is not consumed normally for nutritional value, nor used as a typical ingredient in the food, and does not have any intrinsic nutritive value. The additive’s purpose in the product is to achieve a characteristic which the food does not naturally possess (such as enhanced color, taste, or shelf life). Said additive could be included in the making of the product, in the treatment of the packaging if it comes in contact with the food or in the packaging process. Also, if there is something in the manner of transporting or storing the product which changes the chemical integrity of the product. This term does not refer to contaminants or substances added to maintain or improve the nutritional value of the product.

### **Section IV. PESTICIDE AND OTHER CONTAMINANTS**

The Secretary of Agriculture and Livestock is in charge of regulating pesticide residues in foodstuffs. Every chemical, biological, biochemical or related substance for agricultural use must be registered at the Secretariat of Agriculture. Registration requirements may be waived for products in transit, products used in research and products used to combat specific phytosanitary problems. The requirements and procedures for registration, importation, exportation, production, storage, distribution, transportation, repackaging, mixing, research, sale and use of these substances are described in the Technical Regulations for each type of agricultural input, including pesticides, fertilizers, biological and biochemical substances and related agricultural substances. Dominican pesticide regulations are based primarily on EPA regulations.

The most important regulations concerning pesticide use are contained in Law 311-68; SEA Regulation 322-88; Decree 217-91 and SEA Resolutions 10-97 and 11-97.

**Section V. OTHER SPECIFIC STANDARDS**

None

**Section VI. COPYRIGHT/TRADEMARK LAWS**

The registration of trade names and trademarks is regulated in the Dominican Republic by Law No. 1450 of 1937. This law establishes the requirements for registration, the time limits and taxes to which the petitioner is subject.

Any person who wishes to register a trade name or trademark must first determine the availability of the name or mark in the desired class with the Ministry of Industry and Commerce. If the mark or name is available, the Ministry will issue a certificate of availability. This certificate is valid for thirty (30) days, within which the petitioner must apply for the desired registration. Once a certificate of availability is obtained, the petitioner must submit an application letter for registration to the Ministry of Industry and Commerce. The letter must contain the petitioner's name, profession, address, and nationality. If the petitioner resides in the Dominican Republic, the number and series of his/ her personal identity card is required. If the petitioner is a corporation, this information must be submitted with respect to an official of the company.

When the application is made by the petitioner's legal representative, the information must be given for the legal representative. If the power of attorney was granted in a foreign country, the application must be accompanied by a copy of the power of attorney, duly certified by the Dominican Consulate authorities.

The application furthermore must contain a detailed description of the following: (1) all the elements that characterize the trademark or trade name being registered; (2) the type of business for which the trademark or trade name will be used; (3) the products, goods or business to which the mark or name will be applied; (4) the period of time for which the petitioner wishes to register the mark or name. For registration of a trademark, the petitioner must indicate the class corresponding to the product, according to the classification prescribed in Law 1450. This classification does not conform with the international classification established by the Convention of Trademarks and Trade names.

The petition must be accompanied by four (4) or more samples of facsimiles of the mark or name being registered, together with a detailed explanation of what the mark or name is requested for. The petitioner cannot include in one registration application a name or mark that protects different products.

The mark or name may be registered for 5, 10, or 20 years. Once a trade name or trademark is registered, the petitioner is guaranteed the exclusive right to use the mark or name for the requested period of time. This registration period can be extended or renewed for equal periods.

The law contains regulations forbidding registration in certain cases, such as when the name or mark includes coats-of-arms, public or private emblems, or words or images that offend the public or public decorum.

Bad faith in a trademark or trade name registration, is actionable by the International Convention for the Protection of Industrial Property, dated March 20, 1923, revised in The Hague in 1925.

## **Section VII. IMPORT PROCEDURE**

The Customs Code, Law 14-93, became effective as of August 28, 1993. The objectives of the Code are:

There are six eight rates which define the eight different categories of goods, defined by a base tax that will be charged on the CIF (Cost, Insurance, Freight) value. The conversion from foreign currency will be made at the official exchange rate in effect at the time the payment of the taxes. In addition to the base tax there VAT (value added tax currently at 12%) of eight percent of the CIF value and a special 30% tax on alcoholic beverages and tobacco products.

The Law exempts some imports from customs duties, such as articles for international organizations and the Diplomatic Corps, objects for religious worship, samples displayed in international fairs, and imports to free zones.

The Dominican Customs Department has implemented the GATT valuation system for imported goods (July 1, 2001) which accepts invoice and airway bill of lading prices as the means of determining duties rather than reference prices. Under this new system, the prices declared by importers could be subject to verification. In cases where undervaluation is determined to be evident, the Customs Department will charge additional duties and exact a fine. The Dominican government has requested the exclusion of 31 items, but Customs officials indicate that that the WTO has 60 days to issue a statement. Dominican Customs office has indicated that it will not exclude any items from the GATT valuation until the WTO issues its opinion.

For imports from countries not members of WTO, the valuation will continue to be done taking in consideration the minimum valuation lists created by Dominican Customs. There are 23 existing Customs offices in the Dominican Republic: ten at ports, seven at airport zones, and six on the border with Haiti. The principal offices handling the majority of the cargo are: Ports of Haina: Oriental and Occidental; Las Americas and Licey International Airports and the Ports of Puerto Plata and San Pedro de Macoris.

Customs officials indicate that the average clearance takes three days from submission of pertinent and complete documentation. Clearances can be made in hours if importers make use of express clearance procedures. Anecdotal evidence confirms this information, but sometimes extends for several weeks.

Many importers are using one of the following express clearance procedures:

A) Advance Declaration (Declaracion Anticipada) - Importers may submit customs documentation 25 days prior to the arrival of the shipment.

B) Express Dispatch (Despacho Expreso) - This mode includes advance declaration of the goods and the verification of the shipment by customs officials at the importer's warehouse. Shipments may be dispatched in four hours when using Express Dispatch.

There is a proposed Customs Council (Consejo Superior de Aduanas) that is awaiting approval by Congress. The council would include a representative from the private sector to oversee customs operations.

There are no provisions for the temporary entry of agricultural products into the Free Trade Zone operations. However, agricultural products (ie. hides and tobacco) may be imported for re-export. These products are excluded from most of the import requirements and almost all customs duties.

Taxes and duties for imported goods are calculated upon the "ad-valorem price," i.e., CIF price in US dollars multiplied by the unified foreign exchange rate (presently US\$1.00 = RD\$17.70). All duties and taxes are collected in Dominican pesos. There are generally four taxes on imports except for those subject to exemptions provided by law. The taxes are: 1) Tariff (Arancel): This is the basic import tax which can be as low as 0 percent and as high as 20 percent; 2) Luxury Tax (Impuesto Selectivo al Consumo): This is a consumption tax for luxury imports or "non-essential" goods that ranges between 15 and 60 percent. This tax is calculated on the CIF price; 3) Exchange Surcharge (Recargo Cambiario): This is a 4.75 percent tax imposed on all imports into the Dominican Republic and 4) Industrialized Goods and Services Tax (ITBIS - Impuesto de Transferencia a los Bienes Industrializados y Servicios): This is a twelve percent tax on processed agricultural goods and all non-agricultural goods. ITBIS is calculated on the CIF price plus the amount paid for all taxes and duties previously mentioned.

## **APPENDIX A- MAJOR REGULATORY AGENCIES**

Livestock Department, Secretary of Agriculture  
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